

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**IN RE: MONITRONICS INTERNATIONAL,
INC., TELEPHONE CONSUMER
PROTECTION ACT LITIGATION**

MDL NO. 1:13-MD-02493-JPB-JPM

This document relates to:

ALL CASES

SUPPLEMENTAL STATUS REPORT

Pursuant to this Court's Order Following Status Conference (Doc. 1270), Class Counsel/Liaison Counsel for Plaintiffs and Counsel for Monitronics International, Inc., jointly submit this supplemental status report.

- 1) The Settlement Administrator reports that, as of April 18, 2019, there remains \$1,375,951.50 in the Settlement Fund due to uncashed settlement checks, representing 32,490 checks sent to Settlement Class Members.
- 2) Pursuant to Paragraph 2.3(b) of the Class Action Settlement Agreement, the face of each check sent by the Settlement Administrator to Settlement Class Members stated that the check would become void unless cashed within 180 days after the date of issuance.
- 3) Per the Settlement Administrator, checks were issued to all 324,333 Settlement Class Members who submitted valid claim on October 17, 2018, meaning that the checks were void unless cashed by April 15, 2019.
- 4) Approximately 292,000 Settlement Class Members who submitted valid claims cashed the checks issued to them.
- 5) The parties have conferred with the Settlement Administrator to determine whether it would be administratively feasible to redistribute the funds from the uncashed checks

from the Settlement Fund to those Settlement Class Members who cashed their checks from the first distribution giving consideration to, among other things, the costs of printing the checks, mailing them, and monitoring their status. The Settlement Administrator estimates that it would cost \$216,107 to do a second distribution.

6) Class Counsel recommends that the Court approve a second distribution. The Settlement Agreement requires the Settlement Administrator to perform a second distribution if it is administratively feasible to do so. Settlement Agreement § 2.3(c). Here, Settlement Class Members who cashed their original settlement checks would receive approximately \$4.00 in addition to the \$42.35 they already have received (\$1,384,040.35 (remaining funds) minus \$216,107 (estimated cost of second distribution) divided by 292,500 (persons who cashed checks) equals \$3.99 per check). This amount adds a not inconsequential 8-9% to Settlement Class Members' individual recoveries. In similar circumstances, courts have found that a second distribution is administratively feasible. See, e.g., *Malta v. Fed. Home Loan Mtg. Corp.*, 3:10-cv-01290-BEN-NLS, ECF No. 140, at *2-3 (S.D. Cal. Aug. 1, 2017) (approving second distribution of checks as administratively feasible where second checks amounted to \$3.07). Monitronics doesn't object to a second distribution as outlined above.

7) In the event the Court finds it is not administratively feasible to make a second distribution then pursuant to Paragraph 2.3(c) of the Class Action Settlement Agreement, Class Counsel and Monitronics will propose that the Court direct the Settlement Administrator to distribute the remaining Settlement Funds to the Consumer Federation of America as a *cy pres* recipient. The Consumer Federation of America is an association of non-profit consumer organizations established in 1968 to advance the consumer interest through research, advocacy, and education. Today, nearly 300 of these groups participate in the federation and govern it

through their representatives on the organization's Board of Directors. Additional information about the Consumer Federation of America may be found at <https://consumerfed.org/>.

Respectfully submitted,

/s/ Jonathan Marshall
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CERTIFICATE OF SERVICE

I, Jonathan Marshall, hereby certify that on April 26, 2019, I caused to be filed the foregoing Supplemental Status Report with the Clerk of the Court using the CM/ECF System, which caused a true and accurate copy of such filing to be served upon all attorneys of record.

/s/ Jonathan Marshall

Jonathan Marshall